

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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| ROBERT W. HASSETT, III, | : | |
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| Petitioner, | : | |
| | : | |
| v. | : | Civ. Act. No. 05-609-JJF |
| | : | |
| RICHARD KEARNEY, | : | |
| Warden, and M. JANE BRADY, | : | |
| Attorney General for the State of Delaware, | : | |
| | : | |
| Respondents. | : | |

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Robert W. Hassett, III, has applied for federal habeas relief, challenging his June 2001 conviction by a Delaware Superior Court jury for first degree murder and possession of a deadly weapon during the commission of a felony. D.I. 2. By the terms of the Court's order, the answer is due to be filed on November 28, 2005.
2. Counsel for respondents filed an answer to a federal habeas petition in District Court on Thursday, and plans to file another answer to a habeas petition within the week in another case. In addition, the undersigned has been and continues to be working on other cases before this Court and the state courts, including preparing for an oral argument scheduled to be heard *en banc* before the Delaware Supreme Court on December 7th. Counsel will also be out of the office three days next week for the Thanksgiving holiday. In light of the situation, additional time is needed to complete the answer and have it reviewed in the ordinary course of business.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9th Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985).

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including December 21, 2005 in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759

DATE: November 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2005, I electronically filed a motion for extension of time and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on November 18, 2005, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Robert W. Hassett, III
SBI No. 337363
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

/s/ Elizabeth R. McFarlan
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